Mr. Nolan offered the following Resolution and moved its adoption:

### **BOROUGH OF HIGHLANDS COUNTY OF MONMOUTH**

#### **R-08-192**

### RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES T & M ASSOCIATES BASIN 8 FLOW METERING

WHEREAS, the Borough of Highlands has a need for professional engineering services to provide follow up flow metering to record post sewer rehabilitation flows for Basin 8 as required by the Atlantic Highlands/Highlands Regional Sewer Authority to confirm infiltration/inflow removed by the Basin 8 sewer rehabilitation project and calculate the connection credit due the Borough as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5.; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$7,300 plus reimbursable expenses per T & M Associates proposal dated October 9, 2008 for Professional Engineering Services to provide follow up flow metering to record post sewer rehabilitation flows for Basin 8 as required by the Atlantic Highlands/Highlands Regional Sewer Authority to confirm I/I removed by the project and calculate the connection credit due the Borough of Highlands for the period of one year; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

**WHEREAS,** T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and **WHEREAS,** certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available from Sewer Utility Operating Fund 3008-3757

## Stephen Pfeffer, Chief Financial Officer

**WHEREAS,** the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

**NOW, THEREFORE, BE IT RESOLVED** BY THE Borough Council of the Borough of Highlands as follows:

- 1. T & M Associates are hereby retained to provide professional engineering services as described above for an amount not to exceed \$7,300 plus reimbursable expenses.
- 2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
- 3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
- 4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mrs. Burton and adopted on the following roll call vote: **ROLL CALL:** 

AYES:Mrs. Burton, Mr. Urbanski, Mr. Nolan, Mayor LittleNAYES:None

ABSENT: Mr. Caizza

ABSTAIN: None

Date: November 12, 2008

# NINA LIGHT FLANNERY, BOROUGH CLERK

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Highlands at a meeting held November 12, 2008.

**BOROUGH CLERK/DEPUTY CLERK**